

NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

Department: Board of County Commissioners		Agenda Date:	
Category: Regular Agenda Item		March 11, 2019	
Contact: Commissioner Koenig		Phone:	Continued from meeting of:
Return to:	Location:		Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)			
Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-12: A Resolution Informing the 80 th (2019) Session of the Nevada State Legislature that Nye County Opposes the Passage of any Bill that Restricts the Individual Right of U.S. Citizens as Protected by Section 11 of the Nevada Constitution and the Second Amendment of the United States Constitution.			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

☒ Place on Agenda

ITEM #

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1 **NYE COUNTY RESOLUTION 2019-12**

2 A RESOLUTION INFORMING THE 80th (2019) SESSION OF THE NEVADA STATE
3 LEGISLATURE THAT NYE COUNTY OPPOSES THE PASSAGE OF ANY BILL THAT
4 RESTRICTS THE INDIVIDUAL RIGHT OF U.S. CITIZENS AS PROTECTED BY SECTION 11 OF
5 THE NEVADA CONSTITUTION AND THE SECOND AMENDMENT OF THE UNITED STATES
6 CONSTITUTION

7 WHEREAS, Section 11 of the Nevada Constitution States:

8 Sec. 11. Right to keep and bear arms; civil power supreme.

- 9 1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and
10 recreational use and for other lawful purposes.
- 11 2. The military shall be subordinate to the civil power; No standing army shall be maintained by
12 this State in time of peace, and in time of War, no appropriation for a standing army shall be for
13 a longer time than two years.

14 WHEREAS, The Second Amendment of the United States Bill of Rights States:

15 A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep
16 and bear Arms, shall not be infringed.

17 WHEREAS, Elected officials take an oath of office which states:

18 "NRS 282.020 Form of official oath. Members of the Legislature and all officers, executive, judicial
19 and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to
20 the following oath:

21 I,, do solemnly swear (or affirm) that I will support, protect and defend the
22 Constitution and Government of the United States, and the Constitution and government of the State of
23 Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and
24 loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well
25 and faithfully perform all the duties of the office of, on which I am about to enter; (if an oath)
so help me God; (if an affirmation) under the pains and penalties of perjury.

1 WHEREAS, We the Nye County Board of County Commissioners have a duty to uphold the
2 rights of residents of Nye County who are entitled to all the rights and protections for the Constitutions
3 of Nevada and the United States.

4 WHEREAS, the People of Nye County derive economic benefit from all safe forms of firearms
5 recreation, hunting, and shooting conducted within Nye County using all types of firearms allowable
6 under the United States Constitution;

7 NOW THEREFORE BE RESOLVED by the Nye County Board of County Commissioners as
8 follows:

- 9 1. That the People of Nye County, Nevada do hereby oppose the enactment of any legislation that
10 would infringe upon the Right of the People to keep and bear arms and consider such laws to be
11 unconstitutional and beyond lawful legislative authority.
- 12 2. The Nye County Board of County Commissioners demands that the Nevada State Legislature
13 cease any action restricting the Right of the People to keep and bear arms, and hereby demand
14 that the Governor of Nevada veto any legislation which infringes on the right of the people to
15 keep and bear arms.
- 16 3. Infringements include, but are not limited to, the following:
 - 17 • Any laws that deny due process for the civil forfeiture, seizure, confiscation, destruction or other
18 regulation of privately owned and possessed firearms by persons who have not been adjudicated
19 as prohibited possessors per Nevada and/or federal statutes, unless said adjudication is not
20 specifically required by statute.
 - 21 • Any laws that order the surrender, civil forfeiture, seizure, confiscation or destruction of personal
22 property that was not illegal prior to 2019, and is in violation of constitutionally protected
23 property rights.
 - 24 • The establishment of a centralized data base for firearms ownership.
 - 25 • Firearms laws that are not applied equally across all jurisdictions, cities, towns, and counties

1 within the State of Nevada.

- 2 4. Notwithstanding the above, this Resolution is not intended to and does not negate provisions any
3 law that would (a) prohibit the sale to or possession of firearms by felons; or (b) prohibit the sale
4 or possession of firearms by individuals with a history of dangerous mental illness or who have
5 been adjudicated mentally ill.

6 ADOPTED this 11th day of March, 2019.

7 NYE COUNTY
8 BOARD OF COUNTY COMMISSIONERS:

ATTEST:

9
10 John Koenig, Chairman

11 Sandra L. Merlino, Nye County Clerk
12 And Ex-Officio Clerk of the Board
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